

# **COMPLAINTS HANDLING – HOW GOVERNMENT AGENCIES DEAL WITH COMPLAINTS FROM THE PUBLIC:**

## **A CALD COMMUNITY PERSPECTIVE**

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### **Introduction**

Earlier this month, I had the opportunity and privilege to be part of a few brief meetings with selected politicians.

- A key theme of some of these meetings was the need for all of us to take for granted that diversity within the Australian population is a reality and that we must move forward by focusing on what unite us all as Australians, particularly in the context of the multicultural character of our society.
- I accept this proposition.
- Providing, of course, that all Australian institutions, including Government structures, demonstrate that they have taken adequate action to accommodate this taken-for-granted diversity. Otherwise, we will continue to perpetuate practices that disadvantage specific sectors of our community.

People with disability, Indigenous Australians, people living in rural and remote areas, youth, older people, women, and Australians from culturally and linguistically diverse backgrounds (CALD Australians) are some of the groups in our society who may experience extra difficulty and dissatisfaction when dealing with services and programs.

The focus of my presentation is on the barriers and the challenges deriving from those barriers as experienced by CALD Australians in accessing government services and programs including complaints systems about those services.

- This community perspective may help agencies to more effectively address some of the challenges they may face in designing and executing effective complaints mechanisms accessible to all Australians.
- In discussing these issues, I draw from FECCA's extensive experience in interacting with consumers of Government services each and every year since FECCA was established in 1979.

What I would like to stress here is that, unfortunately, some of the issues raised in the 1970s and early 1980s when I was first involved with FECCA are still relevant today.

- Although some significant improvements have been achieved, thirty years after my return to this policy area I find that it is still critical for FECCA to advocate on behalf

of CALD Australians who feel they miss out in services and programs provided by Australian institutions, including the Australian Government machinery.

### **A diverse public – CALD Population**

In establishing and maintaining complaints mechanisms, like any other area of public policy, it is critical for such a process to be designed in a way that works for the public in its entirety—not just a certain portion of the public.

Keeping the reality in mind that the Australian public is an extremely diverse group, the obvious challenge for policy makers and service delivery organisations is to reflect that diversity in everything they design, including complaints systems and structures.

- We know from 2011 Census data that 27 per cent of Australians were born overseas, and a further 20 per cent have at least one parent who was born overseas.
- This is nearly half of our population.

It is vital, therefore, that the complaints mechanisms in place reflect and cater for the cultural and linguistic diversity of our population.

### **Access and Equity**

Over the last three decades or so, Australian Governments and the public service agencies supporting these Governments have sought to ensure that the programs and services provided reached as many Australians as possible.

- This reflects Government recognition that all Australians should have the right to access government programs and services equitably regardless of their cultural, linguistic or religious background.
- The Government's Access and Equity agenda, currently overseen by the Department of Immigration and Citizenship (DIAC), is about CALD people experiencing equal access and achieving equitable outcomes.

**One element in these efforts has been to provide an opportunity for consumers to raise complaints about the accessibility, equity and quality of the services they receive.**

The focus in the 1980s was to ensure every Australian Government agency developed and maintained an access & equity plan or policy.

- Now, as we know from the Independent Access and Equity Inquiry released by the Australian Government last year, the focus is on convincing Departmental Secretaries and their Senior Executives to implement effectively the Access & Equity agenda which is and has been for a while an Australian Government policy making APS agencies responsible for ensuring equitable access for all CALD consumers.

**AND this applies in designing and implementing appropriate and simple complaints systems and structures.**



## Importance of complaints

As other speakers have pointed out complaints mechanisms are indeed an important aspect of our system and, when effective, should lead to improved Government agencies that are accountable for their programs and a citizenry that is empowered to approach Government to make a complaint or seek an explanation.

- We in Australia all have a right to make a complaint, and it goes without saying that this right extends to each and every citizen.

## Exercising one's right to complain – challenges faced by CALD Australians

The ability for a person to exercise their right to make a complaint through the complaints structure of an agency is mainly dependent, firstly, on **information provision** and, secondly, on **the need for effective access**:

- A person needs to know they have a right to complain, and once they are aware of that right they need to know how to make a complaint – i.e. what the complaints mechanism is.
- There is also the need for effective access, that is, a person needs to be able to access and make use of the complaints system.

People from culturally and linguistically diverse backgrounds have the potential to be disadvantaged by various factors related to their diverse backgrounds, such as

- limited English language skills;
- lack of systems knowledge;
- different cultural norms, and so on.

These characteristics affect their ability to make use of complaints mechanisms equitably.

Government agencies thus face a complex task, as our society's diversity increases, to ensure that all public processes, including complaints mechanisms, are equitably accessible to all.

**Barriers related to information provision** (i.e. a person needs to know they have a right to complain and needs to know how to make a complaint – what the complaints mechanism is).

There are a number of disadvantages and barriers faced by CALD consumers that make information provision about people's right to complain, and how to complain, an important yet challenging aspect of effective complaints mechanisms. I will examine these barriers briefly.

### *1. Limited English language skills and inappropriateness of non-English language material*

A critical barrier faced by many CALD Australians is having limited English language skills. In order to address this barrier, it is necessary for information about services, including complaints mechanisms, to be provided in languages other than English. It is good to see that

many Government agencies have key information available on their websites available in languages other than English.

However, in the first instance a person needs to be able to locate non-English language material on a website.

- There are a range of signals used in some Australian Government agency websites to indicate this, including a picture of a map of the world, a box with rotating names of languages or countries, a picture of two speech bubbles and a stylised picture of three persons speaking together.
- FECCA staff had enough difficulty finding the translated information, let alone people who struggle with English!
- FECCA advocates for the symbol and signage around “other language information available here”, shown at the slide, to be consistent across Government agency websites.

The languages into which material is translated also varies. FECCA advocates that identifying languages for translation needs to be based on numbers of speakers of a language but also need.

- For example, some languages, such as the languages of established immigrant communities, are spoken by large numbers of Australians but the English language skills in that group are also high so there is less need. On the other hand, some languages, such as the languages of new and emerging communities in Australia, have fewer speakers but the lower English language skills of the group mean there is higher need.
- Of course, this will change over time and from place to place.

Then there is the question of what information is available in translated form.

- Departments have a large volume of information to communicate, and usually a communications budget that does not permit them to translate all of this information. As such, departments choose to make ‘key’ information available in translated form. The types of information judged as ‘key’ varies across departments.
- For example, the ATO’s translated material includes information about consumers’ right to make a complaint and what mechanisms are available to make complaints, including contacting the Commonwealth Ombudsman while other agencies’ websites, such as that of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) do not appear to provide any translated material at all, let alone about complaints mechanisms.
- Others, like the Department of Human Services appear, from our navigation of agencies’ website, to fall somewhere in the middle. The argument for a Department like FaHCSIA might be made that it does not have a direct service role and thus does not need to provide translated information about how to complain, however I would dispute that argument. Not only does FaHCSIA administer a number of community



programs, it also provides grants to contracted organisations to delivery community services.

FECCA's view is that all Australians have the right to make complaints—it's a key part of accountability and transparency and improvement for agencies—and people should know about it. Therefore, FECCA advocates that information about complaints mechanisms should be judged by all agencies as 'key information' about its services and operations.

## *2. Lack of systems knowledge*

Another barrier relates to the fact that Australia's legal and government system and the complaints structures in place differ from those of many other countries.

- It cannot be assumed that all CALD people will automatically know that they have the right to make complaints in Australia or how to go about doing it. Complaints mechanisms need to be made clear and people need to know they have this right.

In our Access and Equity consultations, one of the questions we often ask is 'have you heard of x service'.

- The answer is often no and such an answer can be an indication of whether the particular service has done well to communicate its existence.
- Sometimes when we hear that a group has heard of a service, we find it's not because that service itself communicated directly, but rather that the people heard about it through their local migrant resource centre or similar organisation.

For example, at one of our recent Access and Equity consultations in Auburn last year, when asked if a group of women had heard of BreastScreen Australia and other important women's health services, the women replied that they had indeed heard of them. However, it then became clear that this was only because they were all part of a women's group at a particular migrant resource centre.

- What this shows is that information provision is not just about having the information on a webpage, but about distributing information to different groups in society—in the case of CALD communities, distributing information to those in the sector working with new arrivals and other CALD Australians who will be in contact with these people and who can impart information about things like rights, systems, services and programs in language and in spoken form.

## *3. Literacy, numeracy and digital literacy in first language*

While written information in other languages is helpful and necessary, some CALD consumers face the additional barrier of having low literacy and numeracy depending on their education and experiences before their arrival in Australia, as well as potentially a lack of digital literacy.

- This can mean that written and/or printed information is less appropriate, and therefore it is necessary to complement it with information provided in some other format or provide the ability for a person to approach an agency in person to make a complaint.
- The FECCA Access and Equity consultations have shown that this might mean it is necessary to disseminate information, rather than via websites, through other organisations and service providers that work closely with CALD Australians.

These challenges are especially relevant to people who have spent long periods of time in refugee camps or being itinerant, and people who are older.

- As one Access and Equity participant commented in relation to employment services, *‘They ask ridiculous questions like, ‘what have you been doing for the last 10 or 20 years?’. I’ve been in a refugee camp!’*. It is not reasonable to assume that such people will have high level IT skills, and many lack literacy and numeracy in their first language as well as English.

**Effective accessing to complaints service** (i.e. a person needs to be able to access and make use of the complaints mechanism)

#### **BEFORE DECIDING WHETHER TO ATTEMPT TO ACCESS THE SERVICE...**

Moving to the issue of effective access, we know that even when people do know about complaints mechanisms, several do not use them.

- This is due to a range of reasons, including feeling discriminated against, lacking faith in the system, and being prevented from accessing the system due to language or cultural barriers.

#### *Feeling discriminated against*

In our yearly Access and Equity consultations, we have continued to hear from CALD consumers who feel discriminated against when accessing services and who feel they do not get culturally sensitive and equitable services.

However, many CALD consumers do not access complaint mechanisms when they feel they experience discrimination as they do not feel confident and empowered to do so.

One participant in an Access and Equity consultation in Darwin last year commented that:

“The employment consultants act like parole officers and I feel may not know how to deal with people who are from a cultural background and also if the person cannot speak and understand English well. These consultants should help the person feel confident to find employment, not make it harder for them.”

Another person, rightly or wrongly, complained that he had ‘heard of services not taking on clients who need interpreters.’ Government agencies need to work to dispel such myths, as



we hope they are myths, to make people feel comfortable in accessing – and in turn complaining about – a service.

A person who feels discriminated against in this way is not going to be empowered to make a complaint or ask someone they are intimidated by about complaints mechanisms.

#### *Is anybody listening?*

There are also concerns about whether or not Government agencies listen to complaints.

- Some consultation participants described feeling intimidated and off-put by the level of detail required when making a complaint, and were thereafter reluctant to try again.
- Others felt that their complaints were not taken seriously, particularly if they complained more than once. As one person commented '*People can be very judgemental... and real complaints are lost*'.

#### *Cultural change*

Additionally, it can be difficult for people who have very different experiences of Government administration to feel confident to make a complaint.

- For example, in some Middle Eastern and other countries Government officials have poor reputations, with high instances of responding to bribes.
- In such countries, to make a complaint about a Government official could lead to a reduction or cease in service, or even a physical threat.

In extreme examples, people become used to corruption and violence and avoid all possible interactions with Government, an attitude that cannot change overnight upon arriving in Australia.

- This is particularly obvious in some groups' interactions with police, but also affects how they view other Government service providers. It is important therefore that all Government agencies work together to dispel these attitudes and explain—and set into practice—alternative structures.

### **HAVING CHOSEN TO MAKE A COMPLAINT...**

Once a CALD Australian has passed what could have been an initial hurdle in deciding to make a complaint, there are further barriers in actually using the complaints mechanism.

- Many of the same challenges related to information provision that I described earlier are also challenges for accessing services and many of the same issues causing people not to complain at all also inhibit people who do want to complain – whether in person, by phone or through an online, written system.

#### >> Accessing the service digitally/by phone

#### *English language difficulties and use of TIS*

When a CALD Australian tries to access a complaints mechanism they might have difficulties communicating in English due to limited English language skills. DIAC does administer the Translating and Interpreting Service (TIS).

- This option can only be utilised, though, when CALD consumers know they have it. Therefore it is important that information about TIS is easy to find and easy to understand and consistent across agencies' websites as I discussed earlier about non-English language material in general.

Every year during our consultations we receive feedback about the difficulties of seeking the assistance of translator and interpreter services.

- We hear of people making appointments in advance but the interpreter not showing up, of being cut off when using interpreters over the phone, of being unable to pay for additional services, as well as of interpreters involving themselves in discussions where their role should be neutral.
- This affects the ability for CALD consumers to effectively make use of TIS when accessing a service.

For example, in a recent access and equity consultation, one participant said they wanted to make a complaint about an operation done incorrectly at a hospital: ***"She wanted to complain, but nobody helped them to follow up what had happened."*** ***"They wanted an interpreter, but they (the hospital) ignored that too."***

If an agency relies on TIS to allow CALD consumers to contact the department to make complaints, then the integrity and effectiveness of their complaint mechanism is linked with the effectiveness of TIS and of the agency's ability to speak with someone via TIS.

- The agency should therefore see it as important and relevant to them that the TIS system works for CALD consumers trying to use it to access the complaints service, and this should be reflected in cross-portfolio pre-budget submissions.
- The relevant agency staff also need to have some understanding of and guidelines for how to communicate with clients via TIS.

#### >> Accessing the service in person

##### *Cultural and language difficulties*

When seeking to talk with someone in person to make a complaint, at an agency shop front for example, there are various cultural factors that come into play. This raises the importance of cultural competency of the agency and is relevant to the agency's work in general, not just in relation to receiving complaints in person and engaging with someone of a different cultural background.

For example, it is excellent when agencies employ staff who speak other languages. However, when there are instances of such a person not acting in a culturally competent way,



being rude or discriminatory or failing to provide the service required etc., then a client may wish to make a complaint about them.

- However, if the client is to make the complaint in person and requires the assistance of a bi-lingual worker, this person obviously needs to be different to the person about whom they are complaining.
- Hence, there needs to be sufficient staff or a good process in place to allow a person to make the complaint to a neutral officer.
- This situation happened to a group of Chinese speakers at a recent consultation in Sydney. When FECCA staff asked if they had made a complaint about the bilingual worker, they said they wanted to but required the assistance of that worker to do so given no other staff could speak Chinese.

In terms of ‘in-person’ type complaints mechanisms, it seems this would be most important for agencies that have shopfront-like interactions with consumers/clients.

- For such in person mechanisms, agencies need to look at the diversity of the population surrounding a given shopfront and put in place necessary staff to ensure an adequate process is in place for the diverse consumers to be able to make complaints.

### Concluding Remarks

I have emphasised the principles of Access and Equity here today and how these apply to Australia’s culturally and linguistically diverse population.

- When we talk about Access and Equity and the challenges of practising these principles, we recognise that CALD Australians can face disadvantages and barriers due to their culture, religion and language.

It is interesting and important to note that when we discuss complaints mechanisms, for CALD Australians the issues that they might want to complain about could relate to experiencing a *lack* of equitable access to a service—so it then becomes very important for agency complaints systems to themselves be accessible in an equitable way, otherwise we may find ourselves in the somewhat ironic situation of CALD Australians not being able to make a complaint about unequal access to government services and programs *due to* the complaints mechanisms they are using not themselves being equitably accessible.

I have made some specific suggestions in this presentation, including:

- the need for consistency in signage around “other language information available here”, including information on translators and interpreters;
- information on complaints mechanisms to be regarded as ‘key’ information for agencies to include in their translated material;
- the need for alternatives to written/printed/online information and acknowledgement of the different experiences of refugees and other immigrants;

- the need for agencies that rely on TIS to have a stake in TIS's effective operation and ensure staff are competent in relation to it; and
- the need for agencies to ensure cultural competency of staff at shopfronts and to have sufficient staff to handle complaints from CALD clients.

I encourage every Government department to further consider how it can ensure equal access to service delivery for CALD Australians, including equal access to complaints mechanisms.

Thank you.



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NDIS Quality and Safeguards Framework Consultation Team  
Department of Social Services  
**By email:** [NDISqualitysafeguards@dss.gov.au](mailto:NDISqualitysafeguards@dss.gov.au)

Dear NDIS Quality and Safeguards Team

**NDIS QUALITY AND SAFEGUARDING FRAMEWORK CONSULTATION**

Disability Rights Advocacy Service Inc ('DRAS') is a disability advocacy agency funded by the Australian Government Department of Social Services through the National Disability Advocacy Program. DRAS advocates on behalf of people with disability, their families and carers. We are funded to conduct both Individual Advocacy and Systemic Advocacy and in particular we are funded to undertake Individual Advocacy for people from culturally and linguistically diverse ('CALD') backgrounds. It is through our Systemic Advocacy Program that DRAS responds to public consultations on proposals affecting people with disability by providing submissions such as that following.

We are pleased to note the thoroughness and detail of the materials provided in this consultation and we have given active consideration to the many and complex areas covered by those materials.

No doubt the complexity in framing a safeguarding and quality framework is guaranteed within the context of Australia's federal system of government. To that end DRAS entered the submission process by reflecting on the existing status quo within the South Australian statutory and policy context and where appropriate, extrapolated deficiencies and positives to the national level, but remained realistic of the limitations in Australian constitutional arrangements and concomitant legislative powers. Thus we returned to perceptions of what was reasonable to expect from a national framework guided by and pursued through a Council of Australian Governments ('COAG') process. It was a task of some proportions.

Nevertheless we appreciate the opportunity to provide a submission and again thank the Team for granting us an extension of time by which to make our submission.

Yours sincerely

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